

**From:** <redacted>  
**Sent:** 30 June 2011 08:52  
**To:** <redacted>  
**Cc:** <redacted>

**Subject:** LEZ Cameras

Dear <redacted>

I am sorry about the delay in responding to your query about extending the s.28 certificate to LEZ cameras. We have a lot of demands on our time at the moment not least of all from other areas of the Home Office pushing forward their own CJS initiatives.

When the original TfL camera issue came up we did discuss whether the s.28 approach was strictly necessary rather than relying on s.29 disclosures (which covers disclosures where failure to disclose would prejudice the prevention and detection of crime) or indeed whether just being open about the disclosure made and including information to the public at the TfL website may address the DPA requirements without affecting the safeguarding of national security. We took the view that we must place weight on the MPS own assertions about how the application of the DPA's usual provisions or TfL relying on the S.29 exemption would affect the safeguarding of national security. If the same assertions hold true, then we understand why the s.29 route is favoured but at that time we welcomed the compensatory measures such as being open about this happening and also producing an annual report of effectiveness. As your draft briefing implies, this reporting mechanism has not proceeded as smoothly as it should and this needs to be rectified in new arrangements as it provides an element of additional reassurance to the public that the proposal is justified and still necessary.

We suggest the following wording is inserted in paragraph 13

"If in the considered view of the Metropolitan Police an exemption from the Data Protection Act is necessary for safeguarding national security, the Information Commissioner considers the extension of the S28 TfL certificate to be a proportionate way of dealing with a serious and pressing matter. However any extension of a S.28 certificate should maintain the additional safeguards accompanying the original certificate including the annual report to the Information Commissioner on the general operation of the certificate and more robust measures should be in place to ensure this happens in practice."

I hope we are not too late with this.

Kind regards,

<redacted>

<redacted>

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